

Gallagher

EXHIBIT B



ZONING REPORT



Prepared for:

DLA Piper LLP
500 8th Street, NW
Washington, District of
Columbia 20004
Mr. Aaron Bethencourt

Zoning Report

Sears 490 - Hoffman Estates IL
3333 Beverly Rd
Hoffman Estates, Illinois 60192

PREPARED BY:

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EMG Project Number:

130975.18R000-075.259

Date of Report:

3/29/18



engineering | environmental | capital planning | project management

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1.0 Summary of Zoning Requirements

1.1 Property Address & Jurisdiction Information

| Property Information | |
|---------------------------------------|---|
| Site Name: | Sears 490 - Hoffman Estates IL |
| Property Address: | 3333 Beverly Rd |
| County: | Cook County |
| Date Constructed: | Not Provided |
| Property Size: | 193.3879 Acres / 8,423,977 Square Feet |
| Number of Buildings: | 6 buildings including 3 parking garages |
| Jurisdiction: | City of Hoffman Estates |
| Current Full Zoning Ordinance: | <u>Chapter 9 - ZONING CODE</u> |

1.2 Zoning Classification & Permitted Uses

| Subject Property Zoning Classification | |
|--|--|
| Current Use: | Office |
| Source of Current Use: | Client |
| Zoning Classification: | O-5 (Office) |
| Permitted Uses in the Classification: | Yes, per <u>Permitted Uses</u> . |
| Adjacent Property Zoning Classification | |
| North: | Forest Preserve, not in Hoffman Estates |
| East: | B-3 (Business) |
| South: | B-3 (Business) |
| West: | AG (Agricultural) and M2 (Manufacturing) |

1.3 Zoning, Fire & Code Enforcement Case Violations

| Planning/Zoning Department | |
|--------------------------------|--|
| Name of Agency: | Building and Code Enforcement |
| Contact Name/Telephone: | Peter Gugliata, Director of Planning peter.gugliotta@hoffmanestates.org |
| Review Method: | Written response to information request |
| Zoning Code Violations: | No, there are no open code violations (see attached) |

| Building Department | |
|--|--|
| Name of Agency: | Building and Code Enforcement |
| Contact Name/Telephone: | Peter Gugliata, Director of Planning peter.gugliotta@hoffmanestates.org |
| Review Method: | Written response to information request |
| Certificate of Occupancy Available: | Yes, see attached. |
| Outstanding Building Code Violations: | No, there are no open code violations (see attached) |

| Fire Department | |
|--|--|
| Name of Agency: | Building and Code Enforcement |
| Contact Name/Telephone: | Peter Gugliata, Director of Planning peter.gugliotta@hoffmanestates.org |
| Review Method: | Written response to information request |
| Outstanding Fire Code Violations: | No, there are no open code violations (see attached) |

1.4 Special Permitting, Conditions, Variances, Ordinances

| | |
|--------------------------------|--|
| Name of Agency: | Building and Code Enforcement |
| Contact Name/Telephone: | Peter Gugliata, Director of Planning peter.gugliotta@hoffmanestates.org |
| Response: | Yes, there are special permits and ordinances. See attached. |

1.5 Right to Rebuild Following Casualty

Sec. 9-1-14. - Nonconforming buildings, structures and uses.

1.6 Existing Requirements & Conditions

| | Existing Requirements | Existing Conditions | Complies With Ordinance |
|----------------------------|--|--|--|
| Building Setbacks | | | |
| Front: | 60 Feet | Exceeds 60 Feet | Yes |
| Side: | 25 Feet on each side | Exceeds 25 feet | Yes |
| Rear: | 25 Feet | Exceeds 25 feet | Yes |
| Lot Dimensions | | | |
| Minimum Lot Size: | 3 Acres | 193.3879 Acres / 8,423,977 Square Feet | Yes |
| Building Footprint: | None Specified | 953,720 square feet | Yes |
| Required Width: | 200 Feet measured at building line | Exceeds 200 feet | Yes |
| Density: | Floor Area Ratio (FAR): 1.5 | Floor area not provided | Yes, provided there is no more than 12,635,965 square feet of gross floor area |
| Building Height: | 210 feet | 7 stories estimated not to exceed 210 feet | Yes |
| Parking: | 3.4 per 1,000 gross square feet of floor area Floor area not provided | 5,590 total parking spaces including 86 handicap spaces. Additionally, there are 30 striped motorcycle spaces. | Yes, provided there is no more than 1,644,118 square feet of gross floor area. |

1.7 Conformance Statement

The property is legal conforming.

1.8 Source of Information

| Sources of Information | |
|-------------------------------|---|
| Existing Requirements: | <u>Area Regulations.</u> |
| Existing Conditions: | Survey prepared by: Sarko Engineering Inc. Date: 3/27/18 |
| Parking: | <u>Sec. 10-5-2. - Off-street parking facilities.</u> |

2.0 Certification, Limitations, and Reliance

2.1 Certification

EMG certifies that EMG has no undisclosed interest in the subject property, that EMG's relationship with the Client is at arms-length, and that EMG's employment and compensation are not contingent upon the findings or recommendations provided in the Report.

2.2 Reliance

This report has been prepared for and is exclusively for the use and benefit of the Client identified on the cover page of this report. The purpose for which this report shall be used shall be limited to the use as stated in the contract between the client and EMG.

This report, or any of the information contained therein, is not for the use or benefit of, nor may it be relied upon by any other person or entity, for any purpose without the advance written consent of EMG. Any reuse or distribution without such consent shall be at the client's or recipient's sole risk, without liability to EMG.

2.3 Limitations

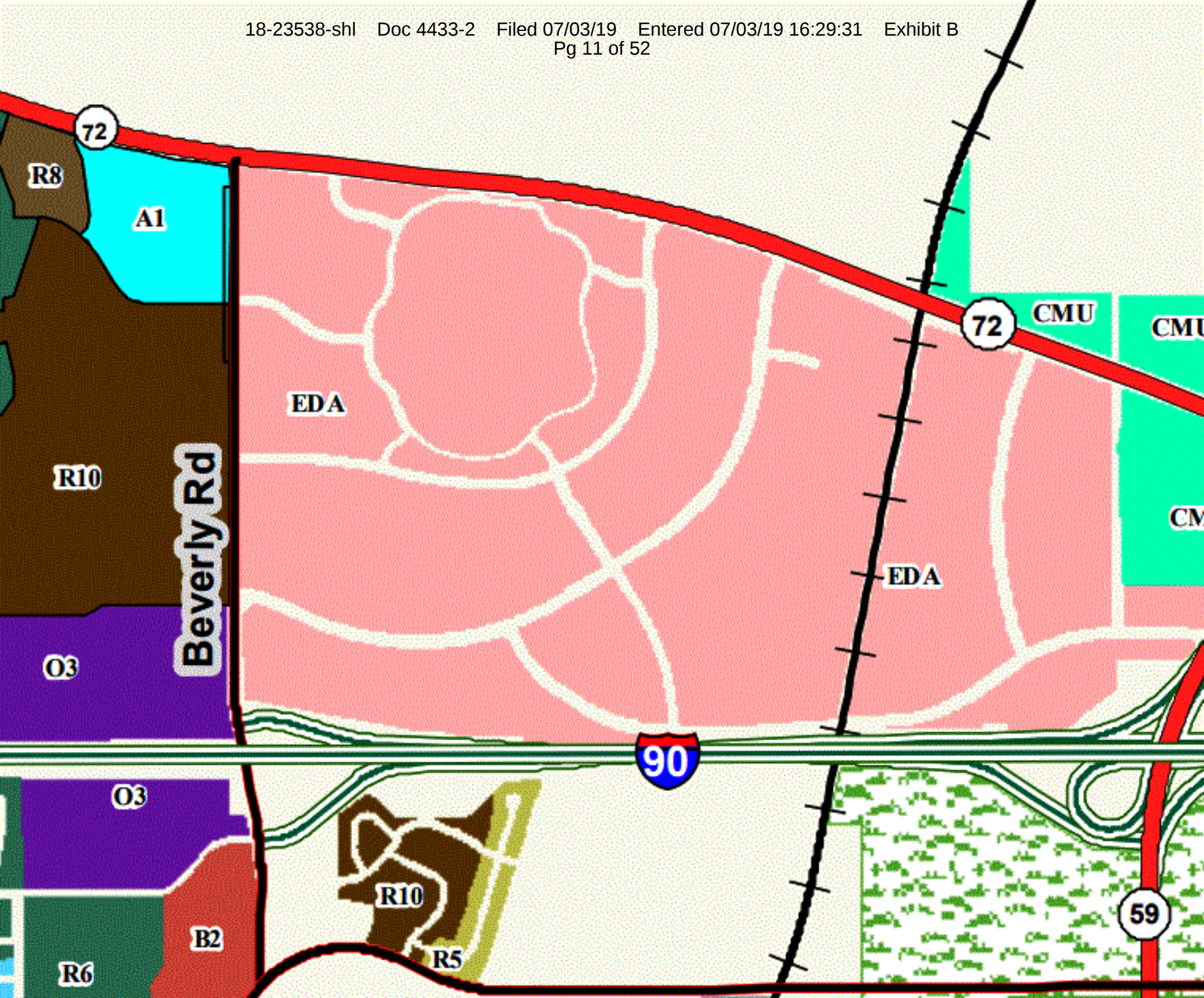
EMG has obtained the information contained herein from the government officials and independent land surveyors stated in Sections 1.8 and has no knowledge or belief that this information cannot be relied upon; however it cannot guarantee its accuracy.

The information contained in this Report is a matter of public record. EMG makes no independent representations, recommendations or interpretations of law.

3.0 Comments / Revisions / Notes

None

Appendix A: Zoning Map



Appendix B:

Municipality Zoning Verification Letter

REQUEST FOR INFORMATION

Subject Property Address: 3333 Beverly Rd, Hoffman Estates, IL 60179

Subject Property Parcel: 01-32-201-008-0000, 06-04-200-037-0000

ZONING CODE COMPLIANCE:

The current Zoning Classification for the subject property(ies): O-5 - Office District

Adjacent Property Zoning Designations:

North: Forest Preserve, property not in Hoffman Estates

South: B-3, Business District

East: B-3, Business District

West: AG, Agricultural District. M2, Manufacturing

Are the subject properties part of a Planned Unit Development?

☐ Yes, part of a PUD

☒ No, not part of a PUD

Comment(s):

Are the subject properties part of an Overlay District?

☐ Yes, part of an Overlay District

☒ No, not part of an Overlay District

Comment(s):

The subject property(ies) are currently regulated by:

☒ Section 9-7-6 of the Unified Development Code (Zoning Ordinance).

☐ Planned Unit Development Ordinance Number: _____

☒ Site Plan Approval Case Number: _____

Comment(s):

According to the Zoning Regulations for this district, the use of the subject property(ies) are a:

☒ Permitted Use by Right

☐ Permitted Use by Special/Specific Use Permit

☐ Copy Attached

☐ Copy Not Available

☐ Legal Non-Conforming Use

☐ Non-Permitted Use

Comment(s):

The subject structure(s) was developed:

- ☐ In accordance with current Zoning regulations and is Legal Conforming.
☐ Prior to the adoption of the Zoning Code and is Grandfathered/Legal Non-conforming to current zoning requirements.
☒ In accordance with approved Site Plan and is Legal Conforming to approved Site Plan.

Comment(s):

Information regarding Variances, Special Permits/Exception, Ordinance or Conditions:

- ☐ There do not appear to be any variances, special permits/exceptions, ordinances or conditions that apply to the subject property.
☐ The following apply to the subject property:
☒ Variance – Documentation attached or is otherwise no longer available.
☒ Special Permit/Exceptions Documentation attached or is otherwise no longer available.
☒ Ordinance Documentation attached or is otherwise no longer available.
☐ Conditions – Proximity to wetland and stream environmental critical areas.

Comment(s):

Rebuild: In the event of a casualty, in whole or in part, the structure located on the subject property:

- ☒ May be rebuilt in the current form (i.e. no loss of square footage and same footprint) except upon satisfaction of certain conditions, limitations or requirements.
☐ May not be rebuilt in its current form, except upon satisfaction of certain conditions, limitations or requirements.

Comment(s):

Is there a Site Plan available and can we obtain a copy:

- ☒ Yes
☐ No

Are there Certificates of Occupancy available and can we obtain a copy:

- ☒ Yes
☐ No

Do the city records show any unresolved Zoning Code Violations?

- ☐ Yes
☐ No (response to this question has been provided via FOIA Request #W051750-031218)

Do the city records show any unresolved Building Code Violations:

- ☐ Yes
☐ No (response to this question has been provided via FOIA Request #W051750-031218)

Do the city records show any unresolved Fire Code Violations and/or complaints:

- ☐ Yes
☐ No (response to this question has been provided via FOIA Request #W051750-031218)

Sincerely,


Peter Gugliotta, Director of Planning, Building & Code Enforcement

03/27/18

Appendix C: Violation Information

Lybrand, Julie H.

From: Hoffman Estates Citizen Support Center <hoffmanestatesil@mycusthelp.net>
Sent: Wednesday, March 14, 2018 8:42 AM
To: Lybrand, Julie H.
Subject: FOIA Request :: W051750-031218

--- Please respond above this line ---

<http://www.hoffmanestates.com/Project/Contents/Main/_gfx/cmn/logo.png>
Julie,

There are no records found for open Building Code violations for property located at 3333 Beverly Rd.

The Village is unaware of Zoning Code violations at this time for property located at 3333 Beverly Rd.

There are unknown Fire Code violations at this time for property located at 3333 Beverly Rd.

To log in to the Support Center, click here:

http://mygovhelp.org/HOFFMANESTATESIL/_rs/CustomerIssues.aspx?&coid=

<http://mygovhelp.org/HOFFMANESTATESIL/_rs/EmailTracker/Read?messageId=96543&issueId=51750>

Appendix D: Certificate of Occupancy

VILLAGE OF HOFFMAN ESTATES

1200 N. Gannon Drive
Hoffman Estates, IL 60196
882-9100

Permit No. 22944/23652/22726

Date December 15, 1992

Owner Sears

CERTIFICATE OF USE AND OCCUPANCY

THIS IS TO CERTIFY that examination has been made of the premises located at 3333 Beverly Road, Hoffman Estates, Illinois, and that such examination accordance with the conditions of the permit(s) issued for such work, that all required inspections have been conducted and that the premises are now ready for use and occupancy.

PROVIDED, however, that nothing contained in this Certificate of Use and Occupancy shall be deemed as a waiver by the Village of Hoffman Estates to proceed against the contractors involved in the erection, enlargement or alteration of the aforesaid premises or any component part(s) thereof with respect to any latent defects in the premises which may hereafter be discovered.

Meter location _____ Meter sealed yes Outside ROM sealed yes

Meter brand _____ Serial No. _____ Reading _____

Water on xxx off _____ Subdv. _____ Type of Building Commercial

Jeff M. Mattes
Jeff M. Mattes Inspector

Distribution: White —Community Development Dept; Blue — Water Supt.; Yellow — Water Dept.; Pink —Permitee

Appendix E:

Approved Development Condition

**AN ORDINANCE GRANTING A SPECIAL USE FOR
A PUBLIC UTILITY BUILDING AND A FENCE HEIGHT
VARIATION TO PREMISES IN
THE SEARS BUSINESS PARK, HOFFMAN ESTATES, ILLINOIS**

WHEREAS, the Zoning Board of Appeals, at a public meeting duly called and held according to law, considered the question of granting a special use for a utility building under Section 9-7-5-B-2-h, and a fence height variation under Section 9-3-3-C-1 of the Hoffman Estates Municipal Code to Commonwealth Edison, Co. as contract purchaser and American National Bank and Trust Company of Chicago under Trust #108506-00 dated June 6, 1989 and Harris Trust and Savings Bank under Trust #93466 dated June 18, 1989 as owners and lessors; and

WHEREAS, the President and Board of Trustees of the Village of Hoffman Estates, having considered the recommendations of said Board of Appeals find and believe it to be in the best interests of the Village that such special use be granted.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Hoffman Estates, Cook and Kane Counties, Illinois, as follows:

Section 1: That there be and is hereby granted a special use for a public utility building upon property under purchase contract to Commonwealth Edison, Co. under Section 9-7-5-B-2-h of the Hoffman Estates Municipal Code to provide for a public utility substation building at the property commonly known as Sears Business Park, Hoffman Estates, Illinois and legally described in Exhibit "A" attached and incorporated by reference herein.

Section 2: That the Zoning Code of the Village of Hoffman Estates be so varied as to permit the granting of a variation from the seven foot (7') height requirement of a fence under Hoffman Estates Municipal Code Section 9-3-3-C-1 of two feet, six inches (2'6") to permit a fence wall of nine feet, six inches (9'6") on the property commonly known as Sears Business Park and legally described in Exhibit "A" attached and incorporated herein.

Section 3: That the Village Clerk is hereby authorized and directed to publish this Ordinance in pamphlet form.

Section 4: That except as provided herein the property subject to this variance shall remain subject to all other applicable provisions of the Zoning Ordinance of the Village of Hoffman Estates.


Section 5: That this Ordinance shall be in full force and effect from and after its passage, approval and publication.

PASSED THIS 17TH day of JUNE, 1991

APPROVED THIS 17TH day of JUNE, 1991

| VOTE | AYE | NAY |
|----------------------|---------------|---------------|
| Trustee Lind | <u>X</u> | <u> </u> |
| Trustee McLeod | <u>X</u> | <u> </u> |
| Trustee Kenley | <u>X</u> | <u> </u> |
| Trustee Cochran | <u> </u> | <u>X</u> |
| Trustee Desruisseaux | <u>X</u> | <u> </u> |
| Trustee Giacalone | <u>X</u> | <u> </u> |

APPROVED:


Village President

ATTEST:


Village Clerk

Published in pamphlet form this 18TH day of JUNE, 1991.

Exhibit "A"

THAT PART OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 32, TOWNSHIP 42 NORTH, RANGE 9 AND THAT PART OF SECTION 4, TOWNSHIP 41 NORTH, RANGE 9 ALL EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF SECTION 32;
THENCE NORTH 3°48'46" EAST, A DISTANCE OF 28.72 FEET TO A POINT OF INTERSECTION WITH THE CENTER LINES OF PROPOSED ROADS "D" AND "F";
THENCE ALONG SAID PROPOSED CENTER LINE OF PRIVATE ROAD "F" THE FOLLOWING TWO COURSES:
(1) NORTH 82°44'57" WEST, A DISTANCE OF 305.89 FEET TO A POINT OF CURVATURE;
(2) THENCE 382.26 FEET ALONG THE ARC OF A CIRCLE, CONVEX TO THE SOUTHWEST, HAVING A RADIUS OF 1,200.00 FEET AND WHOSE CHORD OF 380.65 FEET BEARS NORTH 73°37'27" WEST TO A POINT ON CURVE;
THENCE SOUTH 25°30'09" WEST ALONG A RADIAL LINE A DISTANCE OF 50.00 FEET TO A POINT ON A CURVE, BEING ALSO THE SOUTHERLY RIGHT-OF-WAY LINE OF PROPOSED PRIVATE ROAD "F" AND THE POINT OF BEGINNING;
THENCE SOUTH 25° 30'9" WEST ALONG THE RADIAL LINE A DISTANCE OF 100.00 FEET TO A POINT;
THENCE SOUTH 0°16'38" WEST, A DISTANCE OF 94.94 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF PROPERTY CONVEYED TO THE ILLINOIS STATE TOLL HIGHWAY COMMISSION, PER DOCUMENT NO. 16, 651, 218 RECORDED JULY 26, 1956;
THENCE NORTH 89°43'22" WEST ALONG SAID NORTH LINE A DISTANCE OF 390.78 FEET TO A POINT;
THENCE NORTH 17°28'43" EAST, A DISTANCE OF 62.69 FEET TO A POINT ON THE NORTH LINE OF FRACTIONAL SECTION 4 WHICH IS 2,704.50 FEET WEST OF THE NORTHEAST CORNER THEREOF;
THENCE NORTH 89°41'27" WEST ALONG SAID NORTH LINE A DISTANCE OF 127.80 FEET TO A POINT;
THENCE NORTH 0°16'38" EAST, A DISTANCE OF 191.73 FEET TO A POINT;
THENCE NORTH 34°25'53" EAST, A DISTANCE OF 234.66 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF PROPOSED ROAD "F";
THENCE ALONG SAID PROPOSED SOUTHWESTERLY RIGHT-OF-WAY LINE OF ROAD "F", THE FOLLOWING TWO COURSES:
(1) SOUTH 55°34'07" EAST, A DISTANCE OF 292.27 FEET TO A POINT OF CURVATURE;
(2) SOUTHEASTERLY 194.79 FEET ALONG THE ARC OF A CIRCLE, CONVEX TO THE SOUTHWEST, HAVING A RADIUS OF 1,250.00 FEET AND WHOSE CHORD OF 194.60 FEET BEARS SOUTH 60°02'04" EAST TO THE POINT OF BEGINNING;

CONTAINING 159,867.2 SQUARE FEET OR 3.6700 ACRES, MORE OR LESS. ALL IN COOK COUNTY, ILLINOIS.

**H
HOFFMAN
E
ESTATES**

Village Clerk
VIRGINIA M. HAYTER

1200 NORTH GANNON DRIVE
HOFFMAN ESTATES, ILLINOIS 60196
882-9100 FAX 882-2621

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

CERTIFICATE

I, VIRGINIA M. HAYTER, certify that I am the duly elected and acting municipal clerk of the Village of Hoffman Estates, Cook and Kane Counties, Illinois.

I further certify that on JUNE 17, 1991, the Corporate Authorities of such municipality passed and approved Ordinance No. 2350-1991, entitled

AN ORDINANCE GRANTING A SPECIAL USE FOR A PUBLIC UTILITY BUILDING AND A FENCE HEIGHT VARIATION TO PREMISES IN THE SEARS BUSINESS PARK, HOFFMAN ESTATES, ILLINOIS.

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2350-1991, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on JUNE 21, 1991, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

DATED at Hoffman Estates, Illinois, this 19TH day of JUNE 1991.

Virginia M. Hayter
Virginia M. Hayter
Village Clerk

H
HOFFMAN **E** **ESTATES**

Village Clerk
VIRGINIA M. HAYTER

1200 NORTH GANNON DRIVE
HOFFMAN ESTATES, ILLINOIS 60196
882-9100 FAX 882-2621

STATE OF ILLINOIS)
COUNTY OF COOK AND KANE) SS

CERTIFICATE

I, Virginia Mary Hayter, Village Clerk of the Village of Hoffman Estates, in the Counties of Cook and Kane and the State of Illinois, DO HEREBY CERTIFY that the annexed and foregoing is a true and correct copy of the following document now on file in my office:

ORDINANCE NO. 2350-1991 AN ORDINANCE GRANTING A SPECIAL USE FOR A PUBLIC UTILITY BUILDING AND A FENCE HEIGHT VARIATION TO PREMISES IN THE SEARS BUSINESS PARK, HOFFMAN ESTATES, ILLINOIS WAS PASSED BY VILLAGE BOARD OF TRUSTEES AT A REGULAR MEETING ON JUNE 17, 1991.

I do FURTHER CERTIFY that the original document, of which the foregoing is a true copy, is entrusted to my care for safe keeping, and that I am the lawful keeper of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Village of Hoffman Estates aforesaid, at the said Village, in the Counties of Cook and Kane and the State of Illinois, aforesaid, the
19TH day of JUNE, A.D., 1991.

Virginia Mary Hayter
Virginia Mary Hayter
Village Clerk

AN ORDINANCE GRANTING AN
ACREAGE VARIATION TO
SEARS BUSINESS PARK, HOFFMAN ESTATES, ILLINOIS

WHEREAS, the Zoning Board of Appeals, at a public meeting duly called and held according to law, considered the question of granting a variation of Section 9-7-5-C-2 of the Hoffman Estates Municipal Code; and

WHEREAS, the President and Board of Trustees of the Village of Hoffman Estates, having considered the record of said Board of Appeals find and believe it to be in the best interests of the Village that such variation be granted.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Hoffman Estates, Cook and Kane Counties, Illinois, as follows:

Section 1: That there be and is hereby granted a .59 acre variation from the minimum three acre requirement of Section 9-7-5-C-2 of the Hoffman Estates Municipal Code thereby to permit construction of a municipal fire station on a 2.41 acre parcel in the Sears Business Park, Hoffman Estates, Illinois, and legally described on Exhibit "A" attached.

Section 2: That the Village Clerk is hereby authorized and directed to publish this ordinance in pamphlet form.

Section 3: That except as provided herein the property subject to this variance shall remain subject to all applicable provisions of the Hoffman Estates Municipal Code.

Section 4: That this ordinance shall be in full force and effect from and after its passage, approval and publication.

PASSED THIS 1ST day of JULY, 1991


APPROVED THIS 1ST day of JULY, 1991

| VOTE | AYE | NAY |
|----------------------|----------|-------|
| Trustee Lind | <u>X</u> | _____ |
| Trustee McLeod | <u>X</u> | _____ |
| Trustee Kenley | <u>X</u> | _____ |
| Trustee Cochran | <u>X</u> | _____ |
| Trustee Desruisseaux | <u>X</u> | _____ |
| Trustee Giacalone | <u>X</u> | _____ |

APPROVED:


Village President

ATTEST:


Village Clerk

Published in pamphlet form this 3RD day of JULY, 1991.

2014 78101

ATTACHMENT #2

LUDLOW AND ASSOCIATES, INC.
CONSTRUCTION AND LAND SURVEYORS
7225 CALDWELL NILES, ILL. 60648
TEL. 708-647-7757

RECEIVED
APR 17 1991
EDMUND G. DEVELOPMENT AREA

PLAT OF SURVEY

OF

THAT PART OF LOT 4 IN THE SEARS BUSINESS PARK SUBDIVISION, BEING A SUBDIVISION OF PART OF THE EAST 1/2 OF SECTION 31, AND THAT PART OF SECTION 32, AND THAT PART OF THE WEST 1/2 OF SECTION 33, ALL IN TOWNSHIP 42 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, AND ALSO THAT PART OF FRACTIONAL SECTION 3, AND FRACTIONAL SECTION 4, BOTH IN TOWNSHIP 41 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED MARCH 7, 1991 AS DOCUMENT NO. 91103116, IN COOK COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SOUTHWEST 1/4 OF SECTION 32;

THENCE SOUTH $0^{\circ}17'32''$ WEST ALONG THE EAST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 32, A DISTANCE OF 1,131.88 FEET TO A POINT;

THENCE NORTH $89^{\circ}42'28''$ WEST, A DISTANCE OF 547.87 FEET TO A POINT OF INTERSECTION WITH PROPOSED THE CENTER LINE OF PRIVATE ROAD "B" AND PROPOSED THE CENTER LINE OF PRIVATE ROAD "D";

THENCE NORTH $32^{\circ}22'22''$ WEST ALONG SAID PROPOSED THE CENTER LINE OF PRIVATE ROAD "D", A DISTANCE OF 59.50 FEET TO A POINT;

THENCE NORTH $57^{\circ}37'38''$ EAST, A DISTANCE OF 50.00 FEET TO A POINT OF INTERSECTION OF PROPOSED RIGHT-OF-WAY LINES OF PRIVATE ROADS "D" AND "B", ALSO BEING POINT OF BEGINNING;

THENCE NORTH $32^{\circ}22'22''$ WEST ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF PRIVATE ROAD "D", A DISTANCE OF 350.00 FEET TO A POINT;

THENCE NORTH $58^{\circ}11'40''$ EAST, A DISTANCE OF 300.00 FEET TO A POINT;

THENCE SOUTH $32^{\circ}22'22''$ EAST, A DISTANCE OF 350.00 FEET TO A POINT OF INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF PROPOSED PRIVATE ROAD "B";

THENCE SOUTH $58^{\circ}11'40''$ WEST ALONG SAID PROPOSED NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 300.00 FEET TO THE POINT OF BEGINNING;

CONTAINING 104,994.5 SQUARE FEET OR 2.410 ACRES, MORE OR LESS, ALL IN COOK COUNTY, ILLINOIS.

KNOWN AS: "FIRESTATION PARCEL", S.B.P. SUBDIVISION HOFFMAN ESTATE, ILLINOIS.

H
HOFFMAN
E
ESTATES

Village Clerk
VIRGINIA M. HAYTER

1200 NORTH GANNON DRIVE
HOFFMAN ESTATES, ILLINOIS 60196
882-9100 FAX 882-2621

STATE OF ILLINOIS)
)
COUNTY OF COOK AND KANE) SS

CERTIFICATE

I, Virginia Mary Hayter, Village Clerk of the Village of Hoffman Estates, in the Counties of Cook and Kane and the State of Illinois, DO HEREBY CERTIFY that the annexed and foregoing is a true and correct copy of the following document now on file in my office:

ORDINANCE NO. 2354-1991 AN ORDINANCE GRANTING AN ACREAGE VARIATION TO SEARS BUSINESS PARK, HOFFMAN ESTATES, ILLINOIS WAS PASSED BY VILLAGE BOARD OF TRUSTEES AT A REGULAR MEETING ON JULY 1, 1991.

I do FURTHER CERTIFY that the original document, of which the foregoing is a true copy, is entrusted to my care for safe keeping, and that I am the lawful keeper of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Village of Hoffman Estates aforesaid, at the said Village, in the Counties of Cook and Kane and the State of Illinois, aforesaid, the
3RD day of JULY, A.D., 1991.

Virginia Mary Hayter
Virginia Mary Hayter
Village Clerk

E

**1200 NORTH GANNON DRIVE
HOFFMAN ESTATES, ILLINOIS 60196
882-9100 FAX 882-2621**

1

)

)

Virginia M. Hayter
Village Clerk

Village Clerk
VIRGINIA M. HAYTER

**1200 NORTH GANNON DRIVE
HOFFMAN ESTATES, ILLINOIS 60196
882-9100 FAX 882-2621**

STATE OF ILLINOIS)
)
) SS
COUNTY OF COOK AND KANE)

CERTIFICATE

I, Virginia Mary Hayter, Village Clerk of the Village of Hoffman Estates, in the Counties of Cook and Kane and the State of Illinois, DO HEREBY CERTIFY that the annexed and foregoing is a true and correct copy of the following document now on file in my office:

ORDINANCE NO. 2382-1991 AN ORDINANCE GRANTING A SPECIAL USE FOR A DAY CARE FACILITY TO PREMISES IN THE SEARS BUSINESS PARK, HOFFMAN ESTATES, ILLINOIS WAS PASSED BY VILLAGE BOARD OF TRUSTEES AT A REGULAR MEETING ON AUGUST 19, 1991.

I do FURTHER CERTIFY that the original document, of which the foregoing is a true copy, is entrusted to my care for safe keeping, and that I am the lawful keeper of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Village of Hoffman Estates aforesaid, at the said Village, in the Counties of Cook and Kane and the State of Illinois, aforesaid, the 21ST day of AUGUST, A.D., 1991.

Virginia Mary Hayter
Virginia Mary Hayter
Village Clerk

H

HOFFMAN

ESTATES

E

Village Clerk
VIRGINIA M. HAYTER

**1200 NORTH GANNON DRIVE
HOFFMAN ESTATES, ILLINOIS 60196
882-9100 FAX 882-2621**

STATE OF ILLINOIS
COUNTY OF COOK AND KANE

)
)
)
)

SS

CERTIFICATE

I, Virginia Mary Hayter, Village Clerk of the Village of Hoffman Estates, in the Counties of Cook and Kane and the State of Illinois, DO HEREBY CERTIFY that the annexed and foregoing is a true and correct copy of the following document now on file in my office:

ORDINANCE NO. 2390-1991 AN ORDINANCE GRANTING A SPECIAL
USE PERMIT TO SEARS, ROEBUCK AND CO., WAS PASSED BY
VILLAGE BOARD OF TRUSTEES AT A REGULAR MEETING ON
OCTOBER 7, 1991.

I do FURTHER CERTIFY that the original document, of which the foregoing is a true copy, is entrusted to my care for safe keeping, and that I am the lawful keeper of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Village of Hoffman Estates aforesaid, at the said Village, in the Counties of Cook and Kane and the State of Illinois, aforesaid, the 14TH day of OCTOBER, A.D., 1991.

Virginia Mary Hayter
Virginia Mary Hayter
Village Clerk

**AN ORDINANCE GRANTING A VARIANCE TO SECTION 10-8-6
OF THE HOFFMAN ESTATES MUNICIPAL CODE**

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Hoffman Estates, Cook and Kane Counties, Illinois, as follows:

Section 1: That a variance be granted to Sears, Roebuck and Company from the requirements of Section 10-8-6, EROSION AND SEDIMENTATION CONTROL, of the Hoffman Estates Municipal Code which limits mass grading under sub-section B-5-b to developments that have previously been approved in order to permit mass grading in Lots 7 and 10 and 12 in the Sears Business Park and to permit mass grading and a haul road in Lots 14, 14a and 15 of the Sears Business Park as the roadways and area have been previously approved by a Roadway Concept Plan and economic opportunities are available due to the adjacent Beverly Road interchange construction.

Section 2: That the Village Clerk is hereby authorized to publish this ordinance in pamphlet form.

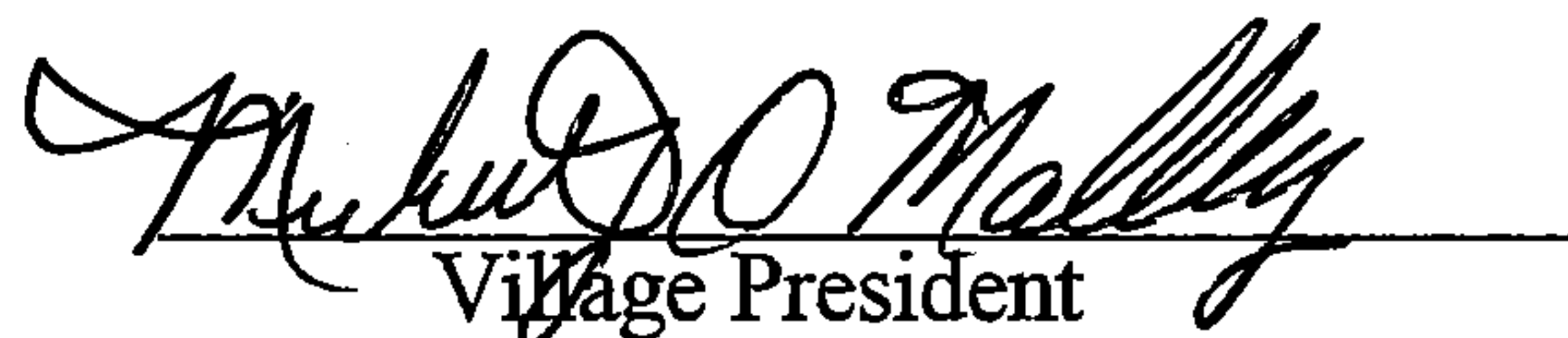
Section 3: That this Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

PASSED THIS 19TH day of AUGUST, 1996

APPROVED THIS 19TH day of AUGUST, 1996

| VOTE | AYE | NAY |
|-------------------|--------------|-------|
| Trustee McLeod | <u>X</u> | _____ |
| Trustee Kenley | <u>X</u> | _____ |
| Trustee Cochran | <u>X</u> | _____ |
| Trustee Giacalone | <u>X</u> | _____ |
| Trustee Frank | <u>X</u> | _____ |
| Trustee Mills | _____ absent | _____ |

APPROVED:


Village President

ATTEST:


Village Clerk

Published in pamphlet form this 26TH day of AUGUST, 1996.

**AN ORDINANCE GRANTING SIGN VARIATIONS TO
SEARS, ROEBUCK AND CO., HOFFMAN ESTATES, ILLINOIS**

WHEREAS, Sears, Roebuck and Co., the owner of property commonly known as Prairie Stone Business Park has heretofore filed a petition requesting variations from Section 9-7-5-I of the Hoffman Estates Municipal Code so as to be allowed to construct a marketing sign; and

WHEREAS, the Zoning Board of Appeals has heretofore conducted a public hearing, pursuant to notice, to consider the petition and has filed its written recommendation and finding of fact with the President and Board of Trustees of the Village.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Hoffman Estates, Cook and Kane Counties, Illinois, as follows:

Section 1: That there be and is hereby granted to the property commonly known as Prairie Stone Business Park, Hoffman Estates, Illinois, a variation of the requirement of Section 9-7-5-I of the Hoffman Estates Municipal Code so as to allow a twenty-four foot (24') high freestanding, double-sided temporary marketing sign sixteen feet by thirty-two feet (16' x 32') along the Northwest Tollway at Prairie Stone Business Park.

Section 2: That this variation is granted upon the conditions that the temporary sign shall be allowed for a three-year period from the date of this Ordinance at which time the sign shall be removed or Sears, Roebuck and Co. may apply for an extension and if the site this sign is placed on is sold within the three year period, any relocation of the sign shall be approved by the Village Board.

Section 3: That the property benefitting from these variations is legally described on the attached Exhibit ^A "B".

Section 4: That except as varied herein, said property shall remain subject to all applicable provisions of the Municipal Code and of the Comprehensive Zoning Ordinance of the Village of Hoffman Estates.

18-23538-shl Doc 4433-2 Filed 07/03/19 Entered 07/03/19 16:29:31 Exhibit B
Pg 33 of 52

ORDINANCE NO. 3223 - 2000

**AN ORDINANCE GRANTING
SPECIAL USE AND HEIGHT VARIATIONS
TO SPRINT PCS (SEARS BUILDING)**

WHEREAS, the Zoning Board of Appeals, at a public meeting duly called and held according to law, considered the question of granting special uses and a height variation to Sprint PCS (lessee) to permit construction of communications antennas in an EDA District on property legally described hereinafter; and

WHEREAS, the President and Board of Trustees of the Village of Hoffman Estates, after reviewing the recommendation of said Zoning Board of Appeals, find and believe it to be in the best interest of the Village that such special uses and height variation be granted.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Hoffman Estates, Cook and Kane Counties, Illinois, as follows:

Section 1: That there be granted a special use under Section 9-3-9-A of the Hoffman Estates Municipal Code to Sprint PCS (lessee) to permit a public utility/public service use in the EDA District.

Section 2: That there be granted a special use under Section 9-3-9-A of the Hoffman Estates Municipal Code to Sprint PCS (lessee) to permit the installation of nine (9) communications antennas of a height from forty-five feet (45') to sixty feet (60') in an EDA District on property known as 3333 Beverly Road.

Section 3: That a variation of Hoffman Estates Municipal Code Section 9-3-9-A be granted to Sprint PCS (lessee) to permit a forty eight foot (48') variation of the maximum communications antenna height of sixty feet (60') to permit nine (9) communications antennas granted a special use under Section 2 herein to be one hundred eight feet (108') in height.

Section 4: That the variations are contingent upon the conditions that the antennas shall be painted to flat black to match the mullions on the glass panels, or gray to match the vent panels and that the antennas shall be removed following discontinuation of the use of the structures for six (6) consecutive months.

ORDINANCE NO. 3321 - 2001

**AN ORDINANCE GRANTING
SPECIAL USES AND A HEIGHT VARIATION
TO SEARS, ROEBUCK AND CO. AND SKYTEL CORP.**

WHEREAS, the Zoning Board of Appeals, at a public meeting duly called and held according to law, considered the question of granting special uses and a height variation to Sears, Roebuck and Co., owner, and SkyTel Corp., lessee, to permit antennas in an EDA District on property legally described hereinafter; and

WHEREAS, the President and Board of Trustees of the Village of Hoffman Estates, after reviewing the recommendation of said Zoning Board of Appeals, find and believe it to be in the best interest of the Village that such special uses and height variation be granted.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Hoffman Estates, Cook and Kane Counties, Illinois, as follows:

Section 1: That there be granted a special use under Section 9-3-9-A of the Hoffman Estates Municipal Code to Sears, Roebuck and Co., owner, and SkyTel Corp., lessee, to permit four (4) proposed antennas at a height of one hundred thirteen feet (113') in an EDA District on property known as 3333 Beverly Road.

Section 2: That a variation of Hoffman Estates Municipal Code Section 9-3-9-A be granted to Sears, Roebuck and Co., owner, and SkyTel Corp., lessee, at 3333 Beverly Road, to permit a fifty-three foot (53') variation of the maximum antenna height of sixty feet (60') to permit antennas granted a special use under Section 1 herein to be one hundred thirteen feet (113') in height.

Section 3: That the special uses and variation are granted upon the condition that if the antennas are no longer in use for six (6) months, they shall be removed.

Section 4: That the property at 3333 Beverly Road is legally described and attached as Exhibit "A".

Section 5: That the Village Clerk is hereby authorized to publish this ordinance in pamphlet form.

Section 6: That this ordinance shall be in full force and effect immediately from and after its passage and approval.

PASSED THIS 2nd day of July, 2001

APPROVED THIS 2nd day of July, 2001

| VOTE | AYE | NAY |
|-------------------|---------------|---------------|
| Trustee Kenley | <u>X</u> | <u> </u> |
| Trustee Giacalone | <u> </u> | <u>X</u> |
| Trustee Frank | <u>X</u> | <u> </u> |
| Trustee Mills | <u>X</u> | <u> </u> |
| Trustee Boester | <u>X</u> | <u> </u> |
| Trustee Brigano | <u>X</u> | <u> </u> |

APPROVED:

William D. McLeod
Village President

ATTEST:

Virginia Mary Hayter
Village Clerk

Published in pamphlet form this 3rd day of July, 2001.

18-23538-shl Doc 4433-2 Filed 07/03/19 Entered 07/03/19 16:29:31 Exhibit B
Pg 35 of 52

EXHIBIT "A"

LEGAL DESCRIPTION:

P.I.N. #01-32-100-004

That part of the northeast $\frac{1}{4}$ of Section 31, Township 42 North, Range 9, east of the Third Principal Meridian, lying south of the center of the state road leading from Dundee to Chicago (now known as Higgins Road), described as follows: beginning at the point of intersection of the east line of said section with the center line of the state road leading from Dundee to Chicago (now known as Higgins Road); thence south on the section line 1114.08 feet; thence west 1314.06 feet to the center of the road running north and south; thence north along the center of said road 1259.28 feet to the center of the state road; thence south easterly along the center of said road; thence southeasterly along the center of said road, 1321.98 feet to the place of beginning (except therefrom that part lying northeasterly of the southwesterly line of Higgins Road as widened by warranty deed recorded November 8, 1937 as Document No. 12079013):

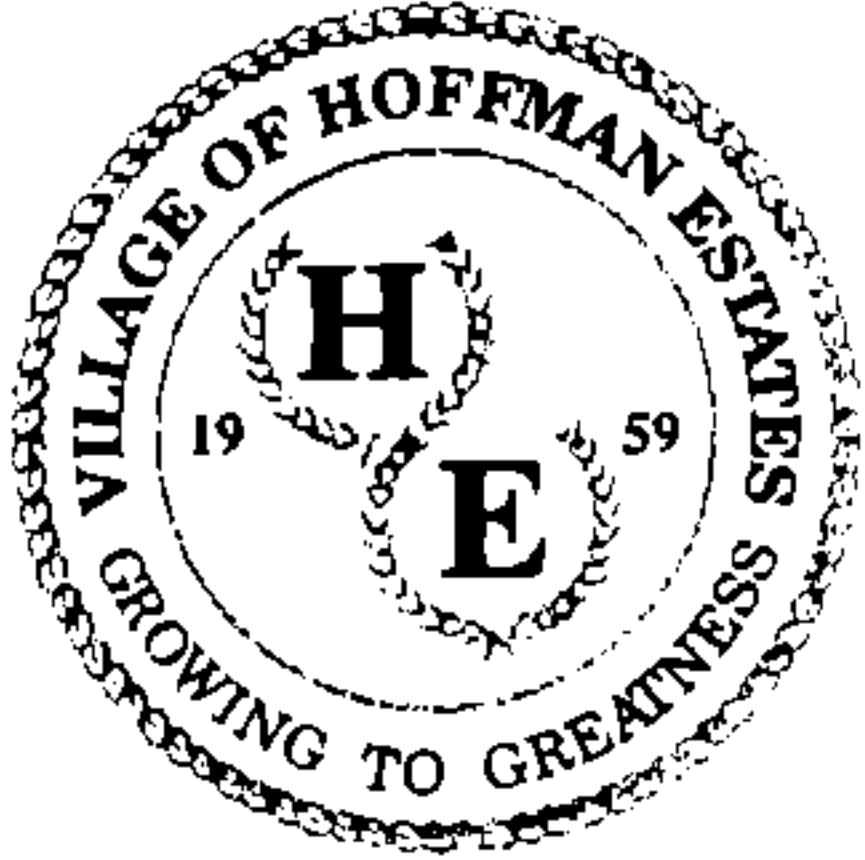
Also

The west $\frac{1}{2}$ of the northwest $\frac{1}{4}$ section of Section 32, Township 42 North, Range 9, east of the Third Principal Meridian (excepting therefrom that part thereof lying northeasterly of the southwesterly line of Higgins Road as widened by warranty deed recorded November 8, 1937 as Document No. 12079013);

Also

That part of the east $\frac{1}{2}$ of the northwest $\frac{1}{4}$ of Section 32, Township 42 North, Range 9 east of the Third Principal Meridian, described as follows:

Beginning at a point in the west line of said east $\frac{1}{2}$ of the northwest $\frac{1}{4}$, 826.3 feet north of the southwest corner of said east $\frac{1}{2}$; thence north along said west line 1468.2 feet to a point in the center line of Highway (now known as Higgins Road); thence south 83 degrees 39 minutes east along said center line 150 feet; thence south parallel to said west line 1451.7 feet; thence west 149.1 feet to the place of beginning (except therefrom that part thereof lying northeasterly of the southwesterly line of Higgins Road as widened by warranty deed dated May 28, 1938 and recorded March 20, 1939 as Document No. 12284905), all in Cook County, Illinois.



HOFFMAN ESTATES

Virginia Mary Hayter, *Village Clerk*

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

CERTIFICATE

I, Virginia Mary Hayter, certify that I am duly elected and acting municipal clerk of the Village of Hoffman Estates, Cook and Kane Counties, Illinois.

I further certify that on July 2, 2001 the Corporate Authorities of such municipality passed and approved Ordinance No. 3321-2001 entitled

An ordinance granting special uses and a height variation to Sears, Roebuck and Co., and Skytel Corp.

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 3321-2001 including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on July 10, 2001 and continuing for at least ten days thereafter. Copies of such ordinance were also available for public inspection upon request in the office of the Municipal Clerk.

DATED at Hoffman Estates, Illinois this 10th day of July, 2001.


Virginia Mary Hayter
Village Clerk

1900 Hassell Road
Hoffman Estates, Illinois 60195
www.hoffmanestates.org

Phone: 847.882-9100
Fax: 847.882.2621
E-Mail: virginia.hayter@hoffmanestates.org



HOFFMAN ESTATES

Virginia Mary Hayter, Village Clerk

STATE OF ILLINOIS)
) SS
COUNTY OF COOK AND KANE)

CERTIFICATE

I, Virginia Mary Hayter, Village Clerk of the Village of Hoffman Estates, in the Counties of Cook and Kane and the State of Illinois, DO HEREBY CERTIFY that the annexed and foregoing is a true and correct copy of the following document now on file:

Ordinance No. 3321-2001 an ordinance granting special uses and a height variation to Sears, Roebuck and Co. and Skytel Corp., was passed by the Board of Trustees at a regular meeting on July 2, 2001.

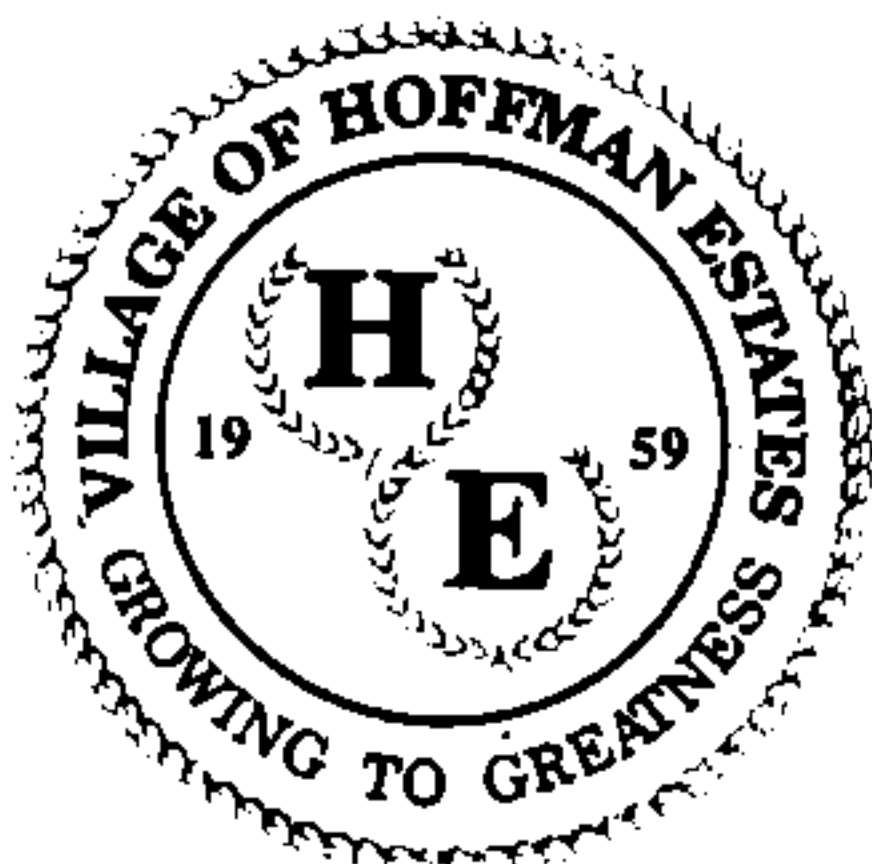
I, FURTHER CERTIFY that the original document, of which the foregoing is a true copy, is entrusted to my care for safe keeping, and that I am the lawful keeper of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Village of Hoffman Estates aforesaid, at the said Village, in the Counties of Cook and Kane and the State of Illinois, aforesaid, this 10th day of July 2001.


Virginia Mary Hayter
Village Clerk

1900 Hassell Road
Hoffman Estates, Illinois 60195
www.hoffmanestates.org

Phone: 847.882-9100
Fax: 847.882.2621
E-Mail: virginia.hayter@hoffmanestates.org



HOFFMAN ESTATES

OFFICE OF THE VILLAGE CLERK

Bev Romanoff
VILLAGE CLERK

STATE OF ILLINOIS)
)
COUNTY OF COOK AND KANE) SS

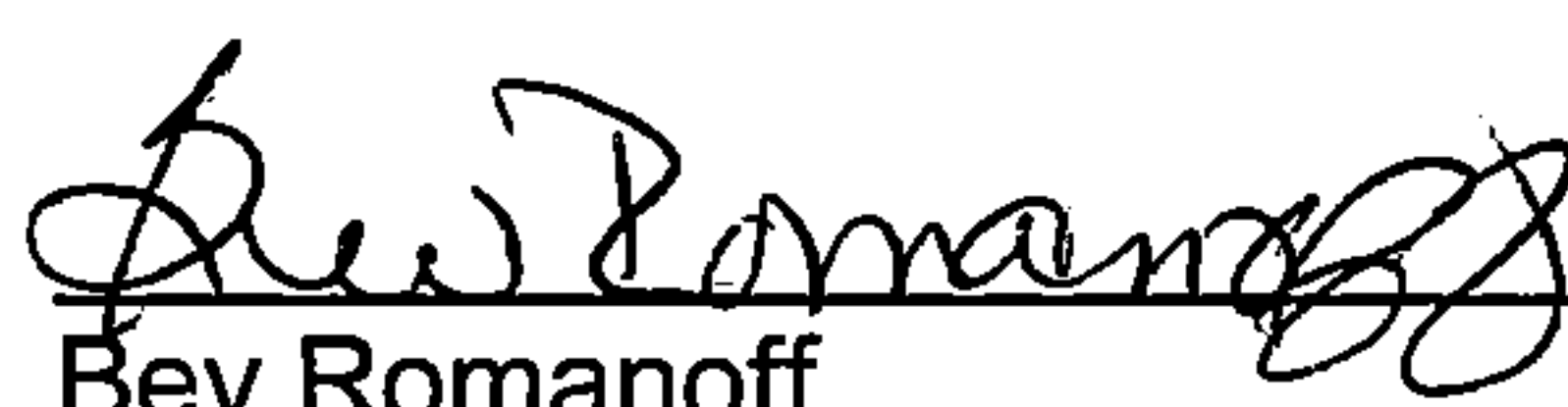
CERTIFICATE

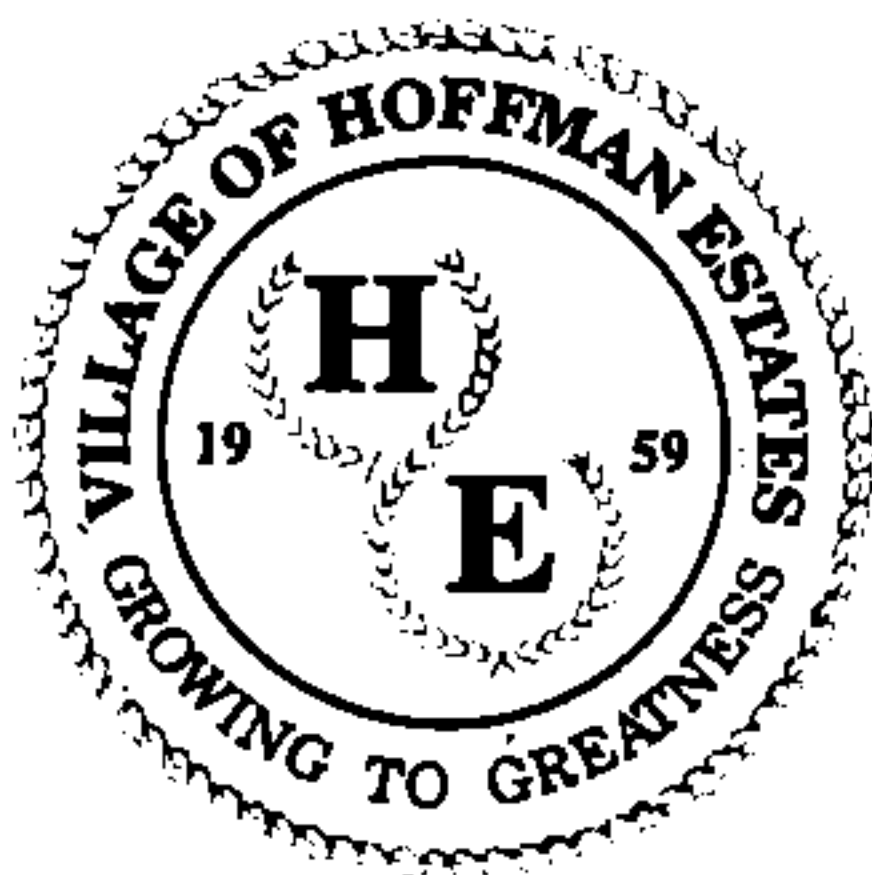
I, Bev Romanoff, Village Clerk of the Village of Hoffman Estates, in the Counties of Cook and Kane and the State of Illinois, DO HEREBY CERTIFY that the annexed and foregoing is a true and correct copy of the following document now on file:

Ordinance No. 4077-2008 an ordinance granting a special use and height variation to Sears, Roebuck and Co. (owner) and Black and Veatch, Agent for Denali Spectrum Operations (owner) d/b/a Cricket Communications (lessee) (3333 Beverly Road), was passed by the Board of Trustees at a regular meeting on January 5, 2009.

I, FURTHER CERTIFY that the original document, of which the foregoing is a true copy, is entrusted to my care for safe keeping, and that I am the lawful keeper of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Village of Hoffman Estates aforesaid, at the said Village, in the Counties of Cook and Kane and the State of Illinois, aforesaid, this 5th day of January, 2009.


Bev Romanoff
Village Clerk



HOFFMAN ESTATES

OFFICE OF THE VILLAGE CLERK

Bev Romanoff
VILLAGE CLERK

STATE OF ILLINOIS)
)
COUNTY OF COOK) SS

CERTIFICATE


I, Bev Romanoff, certify that I am the duly appointed Municipal Clerk of the Village of Hoffman Estates, Cook and Kane Counties, Illinois.

I further certify that on January 5, 2009 the Corporate Authorities of such municipality passed ordinance No. 4077-2009 entitled

An ordinance granting a special use and height variation to Sears, Roebuck and Co. (owner) and Black and Vetch, Agent for Denali Spectrum Operations d/b/a Cricket Communications (lessee) (3333 Beverly Road).

The pamphlet form of Ordinance No. 4077 -2008 such ordinance was posted in the municipal building, commencing on January 7, 2009, and continuing for at least ten days thereafter. Copies of such ordinance were also available for public inspection upon request in the office of the Municipal Clerk.

DATED at Hoffman Estates, Illinois this 5th day of January, 2009.


Bev Romanoff
Village Clerk

ORDINANCE NO. 4077 - 2009

VILLAGE OF HOFFMAN ESTATES

**AN ORDINANCE GRANTING A SPECIAL USE AND HEIGHT VARIATION
TO SEARS, ROEBUCK AND CO. (OWNER), AND
BLACK AND VEATCH, AGENT FOR DENALI SPECTRUM OPERATIONS
D/B/A CRICKET COMMUNICATIONS (LESSEE), (3333 BEVERLY ROAD)**

WHEREAS, the Zoning Board of Appeals of the Village of Hoffman Estates, at a public hearing duly called and held according to law on December 2, 2008, considered the request of a special use and a height variation to Sears, Roebuck and Co. (owner) and Black and Veatch, Agent for Denali Spectrum Operations d/b/a Cricket Communications (lessee), to permit the installation of a maximum of three (3) cellular antennas to be no greater than 101 feet high on the Sears Headquarters building, 3333 Beverly Road, and legally described hereinafter; and

WHEREAS, the Zoning Board of Appeals made certain Finding of Fact attached hereto and made a part hereof as Exhibit "B" and recommended approval of said special use and height variation to the Board of Trustees; and

WHEREAS, the President and Board of Trustees of the Village of Hoffman Estates, after reviewing the recommendation of said Zoning Board of Appeals, find and believe it to be in the best interest of the Village that such special use and height variation be granted.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Hoffman Estates, Cook and Kane Counties, Illinois, as follows:

Section 1: That there be granted a special use under Sections 9-3-9-A and 9-7-5-B-2-h to Sears, Roebuck and Co. (owner) and Black and Veatch, Agent for Denali Spectrum Operations d/b/a Cricket Communications (lessee), to permit the installation of a maximum of three (3) cellular antennas to be no greater than 101 feet high on the Sears Headquarters building, 3333 Beverly Road.

Section 2: That a forty-one foot (41') height variation of Hoffman Estates Municipal Code Section 9-3-9-A be granted to Sears, Roebuck and Co. (owner) and Black and Veatch, Agent for Denali Spectrum Operations d/b/a Cricket Communications (lessee), to permit the installation of a maximum of three (3) cellular antennas to be no greater than 101 feet high on the Sears Headquarters building, 3333 Beverly Road.

Section 3: That this special use and variation is granted upon the conditions that to minimize the visual impact of the antennas, the antennas and mounting hardware shall be painted to match the color of the existing and future color of the penthouse on the building, and that should the operation of these cellular antennas cease for a period of six (6) months, the antennas and accompanying equipment shall be removed, per Zoning Code Section 9-1-18-L.

Section 4: That property benefiting from the special use and variation is legally described on the attached Exhibit "A".

Section 5: That the Village Clerk is hereby authorized to publish this ordinance in pamphlet form.

Section 6: That this Ordinance shall be in full force and effect immediately from and after its passage and approval.

PASSED THIS 5th day of January, 2009

| VOTE | AYE | NAY | ABSENT | ABSTAIN |
|----------------------------|----------|---------------|---------------|---------------|
| Trustee Karen V. Mills | <u>X</u> | <u> </u> | <u> </u> | <u> </u> |
| Trustee Cary J. Collins | <u>X</u> | <u> </u> | <u> </u> | <u> </u> |
| Trustee Raymond M. Kincaid | <u>X</u> | <u> </u> | <u> </u> | <u> </u> |
| Trustee Jacquelyn Green | <u>X</u> | <u> </u> | <u> </u> | <u> </u> |
| Trustee Anna Newell | <u>X</u> | <u> </u> | <u> </u> | <u> </u> |
| Trustee Gary J. Pilafas | <u>X</u> | <u> </u> | <u> </u> | <u> </u> |
| Mayor William D. McLeod | <u>X</u> | <u> </u> | <u> </u> | <u> </u> |

APPROVED THIS 5th DAY OF January, 2009

William D. McLeod
Village President

ATTEST:

Dee Roman
Village Clerk

Published in pamphlet form this 7th day of January, 2009.

EXHIBIT "A"

LEGAL DESCRIPTION:

P.I.N. 01-32-100-004

THAT PART OF THE NORTH EAST $\frac{1}{4}$ OF SECTION 31, TOWNSHIP 42 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING SOUTH OF THE CENTER OF THE STATE ROAD LEADING FROM DUNDEE TO CHICAGO (NOW KNOWN AS HIGGINS ROAD), DESCRIBED AS FOLLOWS: BEGINNING AT THE POINT OF INTERSECTION OF THE EAST LINE OF SAID SECTION WITH THE CENTER LINE OF THE STATE ROAD LEADING FROM DUNDEE TO CHICAGO (NOW KNOWN AS HIGGINS ROAD); THENCE SOUTH ON THE SECTION LINE 1114.08 FEET; THENCE WEST 1314.06 FEET TO THE CENTER OF THE ROAD RUNNING NORTH AND SOUTH; THENCE NORTH ALONG THE CENTER OF SAID ROAD 1259.28 FEET TO THE CENTER OF THE STATE ROAD; THENCE SOUTH EASTERLY ALONG THE CENTER OF SAID ROAD, 1321.98 FEET TO THE PLACE OF BEGINNING, (EXCEPT THEREFROM THAT PART LYING NORTHEASTERLY OF THE SOUTH WESTERLY LINE OF HIGGINS ROAD AS WIDENED BY WARRANTY DEED RECORDED NOVEMBER 8, 1937 AS DOCUMENT NUMBER 12079013):

ALSO

THE WEST $\frac{1}{2}$ OF THE NORTH WEST $\frac{1}{4}$ SECTION OF SECTION 32, TOWNSHIP 42 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, (EXCEPTING THEREFROM THAT PART THEREOF LYING NORTHEASTERLY OF THE SOUTHWESTERLY LINE OF HIGGINS ROAD AS WIDENED BY WARRANTY DEED RECORDED NOVEMBER 8, 1937 AS DOCUMENT NUMBER 12079013):

ALSO

THAT PART OF THE EAST $\frac{1}{2}$ OF THE NORTH WEST $\frac{1}{4}$ OF SECTION 32, TOWNSHIP 42 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE WEST LINE OF SAID EAST $\frac{1}{2}$ OF THE NORTH WEST $\frac{1}{4}$, 826.3 FEET NORTH OF THE SOUTH WEST CORNER OF SAID EAST $\frac{1}{2}$; THENCE NORTH ALONG SAID WEST LINE 1468.2 FEET TO A POINT IN THE CENTER LINE OF HIGHWAY (NOW KNOWN AS HIGGINS ROAD); THENCE SOUTH 83 DEGREES 39 MINUTES EAST ALONG SAID CENTER LINE 150 FEET; THENCE SOUTH PARALLEL TO SAID WEST LINE 1451.7 FEET; THENCE WEST 149.1 FEET TO THE PLACE OF BEGINNING (EXCEPT THEREFROM THAT PART THEREOF LYING NORTHEASTERLY OF THE SOUTHWESTERLY LINE OF HIGGINS ROAD AS WIDENED BY WARRANTY DEED DATED MAY 28, 1938 AND RECORDED MARCH 20, 1939 AS DOCUMENT NUMBER 12284905), ALL IN COOK COUNTY, ILLINOIS.

VILLAGE OF HOFFMAN ESTATES
ZONING BOARD OF APPEALS

FINDING OF FACT

DATE OF PUBLIC HEARINGS: December 2, 2008

DATE OF PRESENTATION TO VILLAGE BOARD: December 15, 2008

PETITION: Hearing held at the request of Sears, Roebuck and Co. (Owner) and Black & Veatch as Agent for Denali Spectrum Operations d/b/a Cricket Communications (Lessee) for a special use and variations from the Zoning Code to permit the installation of communication antennas and accompanying equipment on the property located at 3333 Beverly Road.

DISTRICT IN WHICH PROPERTY IS LOCATED: EDA, Economic Development Area District

ZONING CODE SECTION(S) FOR SPECIAL USE: 9-3-9-A and 9-7-5-B-2-h

ZONING CODE SECTION(S) FOR VARIATION: 9-3-9-A

FINDING-OF-FACT: The ZBA found that the Standards for a Special Use (Section 9-1-18) and Variation (9-1-15) were met.

MOTION: Request to grant Sears, Roebuck and Co. (Owner) and Black & Veatch as Agent for Denali Spectrum Operations d/b/a Cricket Communications (Lessee), *a special use under Section 9-3-9-A and Section 9-7-5-B-2-h and a forty one (41) foot height variation from Section 9-3-9-A to permit the installation of a maximum of three (3) cellular antennas and associated equipment to be no greater than one hundred and one (101) feet high on the Sears Headquarters building.* The following conditions shall apply:

1. To minimize the visual impact of the antennas, the antennas and mounting hardware shall be painted to match the color of the existing and future color of the penthouse on the building.
2. Should the operation of these cellular antennas cease for a period of six (6) months, the antennas and accompanying equipment shall be removed, per Zoning Code Section 9-1-18-L.

The petitioner was agreeable to the above listed conditions.

RECOMMENDATION: The Zoning Board of Appeals (ZBA) recommends approval of this request.

Mr. Chad Gargrave was present to represent Cricket Communications for a variation of 41 feet in height and a special use, in order to erect 3 cellular antennas on top of the Sears headquarters building. Mr. Gargrave stated that there are existing cell antennas for another carrier on the same building and that the antennas Cricket is proposing to erect are very similar in size and shape.

The Chairman noted that the ZBA has already had several presentations from Cricket and is aware that they are trying to fill all of their gaps for cell coverage in the area. Mr. Gargrave also presented propagation maps to show coverage with these antennas and without. It was determined that this variation would in fact fill all gaps to their system and would pose no distraction or alter the character of surrounding areas including the building on which the antennas would be mounted.

It should be noted that 2 conditions shall apply.

AUDIENCE COMMENTS

None.

VOTE:

5 Ayes

0 Nays

2 Absent (Boomgarden, Gaeta)

ZONING BOARD OF APPEALS

Chairman William Weaver

Vice-Chairman Ronald Jehlik

Denise Wilson

Michael Ciffone

Masoom Ali

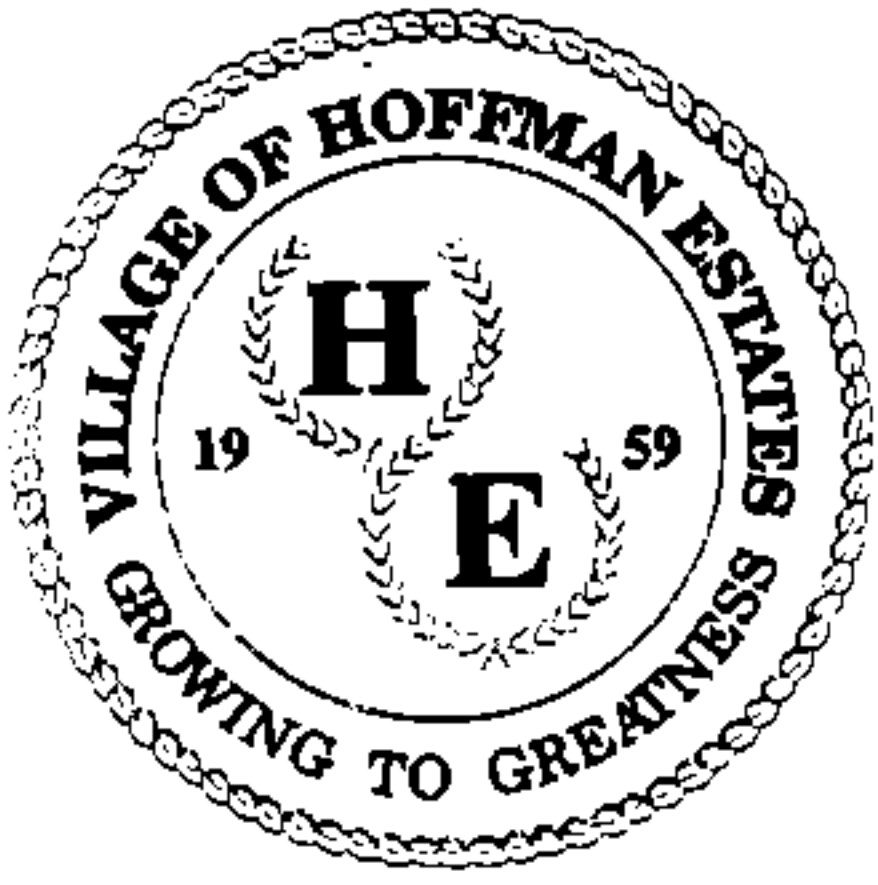
Donna Boomgarden

Michael Gaeta

*** IMMEDIATE AUTHORIZATION TO APPLY FOR PERMITS IS REQUESTED ***

**THIS SPECIAL USE AND VARIATION WILL EXPIRE UNLESS ACTED UPON
WITHIN ONE (1) YEAR OF VILLAGE BOARD APPROVAL**

FINDING OF FACT WRITTEN BY MICHAEL CIFFONE



HOFFMAN ESTATES

OFFICE OF THE VILLAGE CLERK

Bev Romanoff
VILLAGE CLERK

STATE OF ILLINOIS)
COUNTY OF COOK AND KANE) SS

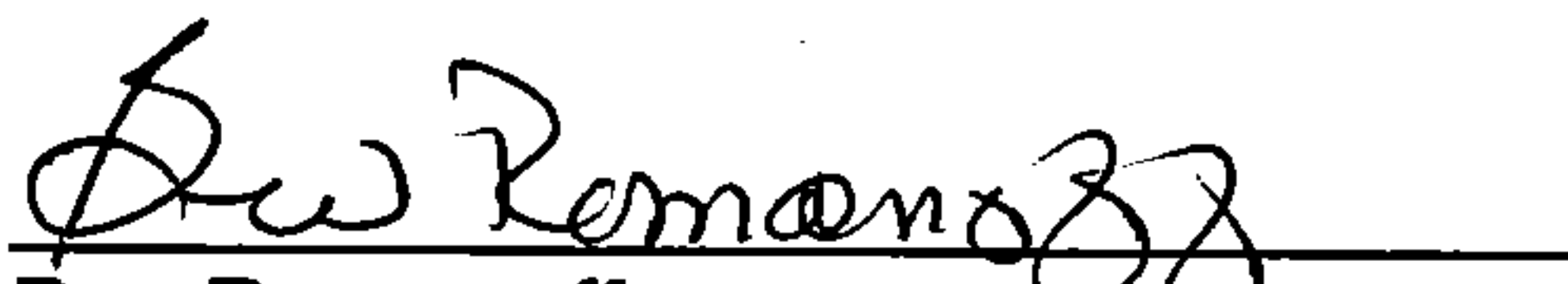
CERTIFICATE

I, Bev Romanoff, Village Clerk of the Village of Hoffman Estates, in the Counties of Cook and Kane and the State of Illinois, DO HEREBY CERTIFY that the annexed and foregoing is a true and correct copy of the following document now on file:

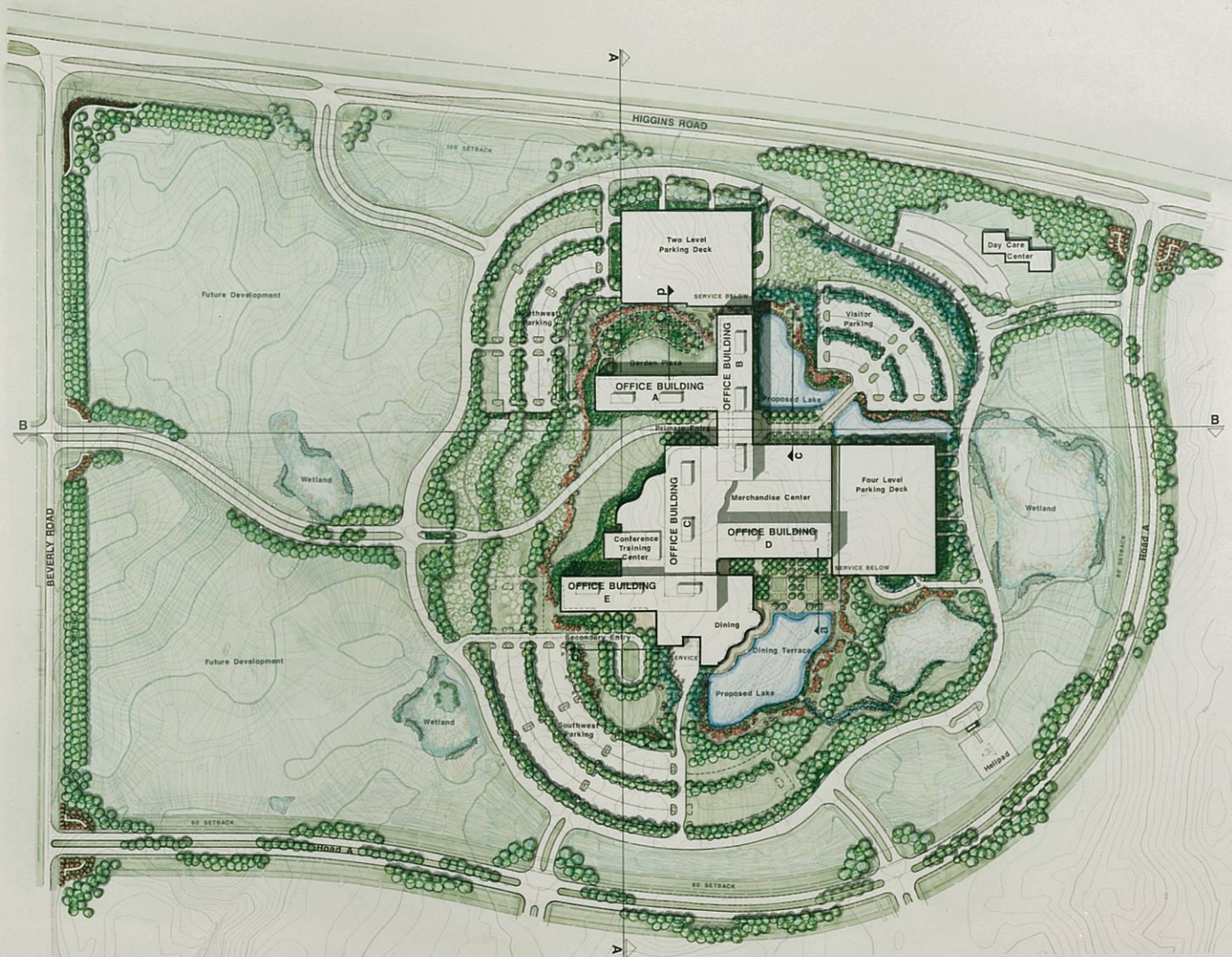
Ordinance No. 4194-2010 granting a special use and height variation to Sears, Roebuck and Co. (owner) and Insite RE Inc., agent for Clear Wireless LLC/Sprint, (3333 Beverly Road, Hoffman Estates, was passed by the Board of Trustees at a regular meeting on August 2, 2010.

I, FURTHER CERTIFY that the original document, of which the foregoing is a true copy, is entrusted to my care for safe keeping, and that I am the lawful keeper of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Village of Hoffman Estates aforesaid, at the said Village, in the Counties of Cook and Kane and the State of Illinois, aforesaid, this 2nd day of August, 2010.

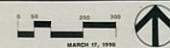

Bev Romanoff
Village Clerk

SEARS



SEARS MERCHANDISE GROUP HEADQUARTERS – SITE PLAN
EXHIBIT 3

JJR



VILLAGE OF HOFFMAN ESTATES

**AN ORDINANCE GRANTING A SPECIAL USE TO
SEARS HOLDINGS CORP. (OWNER), AND
BRIGHT HORIZONS FAMILY SOLUTIONS (APPLICANT/TENANT),
5334 SEARS PARKWAY, HOFFMAN ESTATES, ILLINOIS**

WHEREAS, the Planning and Zoning Commission, at a public hearing duly called and held according to law on January 3, 2018, considered the request by Sears Holdings Corp. (owner) and Bright Horizons Family Solutions (applicant/tenant) of property shown on Exhibit "A" and attached hereto and made a part hereof, for a special use under the Zoning Code to permit a day care center on the property located at 5334 Sears Parkway; and

WHEREAS, the Planning and Zoning Commission made certain Finding of Fact attached hereto and made a part hereof as Exhibit "B" and recommended approval of a special use to the Board of Trustees; and

WHEREAS, the Corporate Authorities have received and considered said recommendation; and

WHEREAS, the proposed special use has met the standards of Section 9-1-18-I of the Zoning Code of the Hoffman Estates Municipal Code.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Hoffman Estates, Cook and Kane Counties, Illinois, as follows:

Section 1: The Corporate Authorities hereby find that the facts and statements contained in the preamble of this Ordinance are true.

Section 2: A special use authorized under Section 9-7-6-C-1-g of the Zoning Code is hereby granted to Sears Holdings Corp. (owner) and Bright Horizons Family Solutions (applicant/tenant) to permit a day care center on the property located at 5334 Sears Parkway, subject to the following terms and conditions:

- a. This approval is granted based on the petitioner's application materials submitted with this request for a special use. Any proposed changes to the building or property that substantially differ from the application materials will require an amendment to the special use.
- b. The building must comply with all necessary building/fire code requirements and occupancy limits.

- c. The business must comply with all federal and state licensing requirements and occupancy limits (currently 235 children maximum).
- d. Access to Sears Parkway shall not be limited by gates or other mechanisms while the day care facility is operating.
- e. No signage is approved with the special use request.

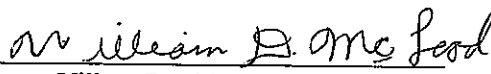
Section 3: The Village Clerk is hereby authorized to publish this ordinance in pamphlet form.

Section 4: This Ordinance shall be in full force and effect immediately from and after its passage and approval.

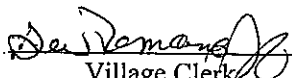
PASSED THIS 15th day of January, 2018

| VOTE | AYE | NAY | ABSENT | ABSTAIN |
|-------------------------|----------|---------------|---------------|---------------|
| Trustee Karen V. Mills | <u>X</u> | <u> </u> | <u> </u> | <u> </u> |
| Trustee Anna Newell | <u>X</u> | <u> </u> | <u> </u> | <u> </u> |
| Trustee Gary J. Pilafas | <u>X</u> | <u> </u> | <u> </u> | <u> </u> |
| Trustee Gary G. Stanton | <u>X</u> | <u> </u> | <u> </u> | <u> </u> |
| Trustee Michael Gaeta | <u>X</u> | <u> </u> | <u> </u> | <u> </u> |
| Trustee Karen Arnet | <u>X</u> | <u> </u> | <u> </u> | <u> </u> |
| Mayor William D. McLeod | <u>X</u> | <u> </u> | <u> </u> | <u> </u> |

APPROVED THIS 15th DAY OF January, 2018


Village President

ATTEST:


Village Clerk

Published in pamphlet form this 18th day of January, 2018.



**VILLAGE OF HOFFMAN ESTATES
PLANNING AND ZONING COMMISSION
FINDING OF FACT**

PROJECT NO.: 2017046P

VILLAGE BOARD MEETING DATE: JANUARY 8, 2018

PETITIONER(S): SEARS HOLDINGS CORP (OWNER) &

BRIGHT HORIZONS FAMILY SOLUTIONS (APPLICANT/TENANT)

PROJECT ADDRESS: 5334 SEARS PARKWAY

ZONING DISTRICT: O-5, OFFICE DISTRICT

REQUEST: SPECIAL USE FOR DAY CARE CENTER

Does the Planning and Zoning Commission find that this request meets the Standards for a Special Use (Section 9-1-18)? ☒ YES ☐ NO

Recommendation: **APPROVAL**

Vote: 10 AYES, 0 NAYS, 1 ABSENT

PZC MEETING DATE: JANUARY 3, 2018

STAFF ASSIGNED: **DANIEL RITTER**

Request by Sears Holdings Corp. (owner) and Bright Horizons Family Solutions (applicant/tenant) to consider a special use under Zoning Code section 9-7-6-C-1-g to permit a day care center at the property located at 5334 Sears Parkway. The following conditions shall apply:

1. This approval is granted based on the petitioner's application materials submitted with this request for a special use. Any proposed changes to the building or property that substantially differ from the application materials will require an amendment to the special use.
2. The building must comply with all necessary building/fire code requirements and occupancy limits.
3. The business must comply with all federal and state licensing requirements and occupancy limits (currently 235 children maximum).
4. Access to Sears Parkway shall not be limited by gates or other mechanisms while the daycare facility is operating.
5. No signage is approved with the special use request.

FINDING

The Planning and Zoning Commission heard from Penny Zimmerman of Bright Horizons about their special use request. Ms. Zimmerman explained that while Bright Horizons had operated the daycare for Sears Holdings for many years, they were changing the structure and now would be leasing the building from Sears instead. She also explained that when the daycare was originally approved for a special use back in 1990-91, it was only permitted to accept children from Sears affiliated employees. However, due to declining enrollment from Sears, the facility is below capacity and they wish to have the facility open to the general public with the new special use request.

The Commission found that there were no known prior issues or complaints with the property or business since its original approval and that there is sufficient parking and drop-off/pick-up areas. The Commission also

Planning and Zoning Commission Finding of Fact
 Bright Horizons Child Care – Special Use
 Village Board Meeting Date: January 8, 2018

Pg 50 of 52

found that they currently only accept children in the toddler to kindergarten age groups and that the gates to Sears Parkway would be required to remain open while the daycare is open.

The Commission considered the Standards for a Special Use listed in Section 9-1-18-I of the Zoning Code and determined that the proposal met those Standards. By a vote of 10-0, the Commission unanimously recommended approval of the special use and site plan amendment request.

AUDIENCE COMMENTS

None.

PLANNING AND ZONING COMMISSIONERS

| | |
|-------------------------------|---------------|
| Chairperson Eva Combs | Myrene Iozzo |
| Vice-Chairman Steve Caramelli | Greg Ring |
| Adam Bauske | Nancy Trieb |
| Sharron Boxenbaum | Sohita Patel |
| Lon Harner | Denise Wilson |
| Lenard Henderson | |

ROLL CALL VOTE

10 Ayes
 0 Abstain
 1 Absent (Henderson)

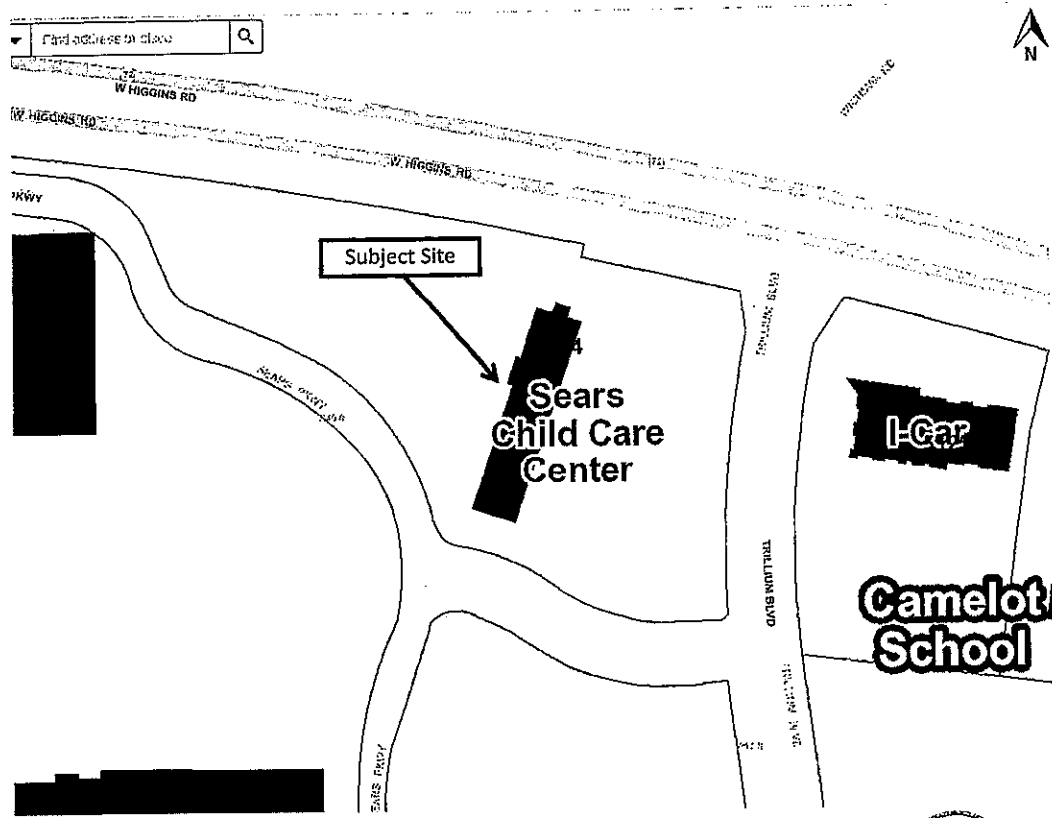
MOTION PASSED

The following attachments are hereby incorporated as part of this Finding of Fact:

Staff Report
 Petitioner Application & Submittals
 Legal Notice & Location Map
 Staff Exhibit – Aerial Photo

5334 Sears Pkwy

P.I.N. 01-32-100-005-0000



December 2017
Village of Hoffman Estates
Planning Division



